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AB 804 (Hall) -Invasive Aquatic Species: Mussels FACT SHEET

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ISSUE

In 2007, California water and fishery interests responded to the discovery of quagga mussels in the Colorado River, an important source of drinking water for Southern California. Then-Assemblywoman Lois Wolk introduced emergency legislation, (Chapter 419. 2007), to authorize the Department of Fish and Game to inspect and quarantine waters infested with the mussel and to require water system operators to develop and implement mussel control and eradication plans. These plans must be updated as new methods of controlling the mussel are identified and are subject to review and approval by the Department of Fish and Game.

Unfortunately, complete control and eradication of quagga mussels remains elusive. Quagga mussels first appeared in the Great Lakes region of the United States in the late 1980's. Efforts to eradicate the mussels in the Midwest and to prevent their spread have failed. Both scientifically-based and realistically-applied information and practice have consistently demonstrated that it is virtually impossible to eradicate the mussels once infestation occurs. The Department of Fish and Game states, "...preventing their spread downstream from known infestations may not be possible."

SOLUTION

AB 804 will clarify existing law relating to civil and criminal penalties. Currently, even when a water system operator implements the most diligent and scientifically sound plan, complete eradication of quagga mussels is not a guaranteed, or even a likely outcome. Consequently, if the mussels were to spread through water deliveries made by public water systems despite implementing the mussel control plan required under AB 1683, the water system entity and its employees may be held criminally liable for possessing or transporting quaggas, as well as civilly liable for costs of controlling or removing quagga mussels. AB 804 will ensure that those entities, and their respective employees, that are observing current requirements to the best of their ability, shall not be subjected to civil or criminal penalties.

AB 804 does not alter existing requirements regarding control and eradication of quagga mussels. What the bill will provide is an effective assessment tool to address quagga mussel infestation and avoid penalizing water systems and its respective employees that abide by current law.

SUPPORT

Association of California Water Agencies – **Sponsor**
Metropolitan Water District of Southern California